

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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EBEN ALEXANDER, III, M.D.

Plaintiff,

v.

BRIGHAM AND WOMEN'S PHYSICIANS
ORGANIZATION, INC., successor to
Brigham Surgical Group Foundation, Inc.,
BOSTON NEUROSURGICAL FOUNDATION
INC., BRIGHAM SURGICAL GROUP
FOUNDATION, INC. DEFERRED
COMPENSATION PLAN, BRIGHAM
SURGICAL GROUP FOUNDATION, INC.
FACULTY RETIREMENT BENEFIT
PLAN, COMMITTEE ON COMPENSATION
OF THE BRIGHAM SURGICAL GROUP
FOUNDATION, INC., FIDELITY
INVESTMENTS INSTITUTIONAL
OPERATIONS CO., INC., FIDELITY
MANAGEMENT TRUST CO., and
PETER BLACK, M.D.

Defendants.

Case No. 04-10738-MLW

JOINT SCHEDULING CONFERENCE STATEMENT

Pursuant to the Notice of Scheduling Conference issued by this Court and Local Rule 16.1, counsel for the parties have conferred for the express purpose of (1) preparing an agenda of matters to be discussed at the November 29, 2004 scheduling conference, (2) preparing a proposed pretrial schedule for the case that includes a plan for discovery, and (3) considering whether they will consent to trial by magistrate judge.

As a result of said conference between counsel, parties have agreed, subject to Court approval, to prepare for trial in accordance with the following proposed joint discovery plan.

Moreover, the parties do not anticipate the need for discovery in excess of the limits set forth in Fed. R. Civ. P. 26(b).

PROPOSED JOINT DISCOVERY PLAN

1. Plaintiff and Defendants shall exchange automatic discovery as required by Fed. R. Civ. P. 26(a)(1) on or before January 14, 2005.

2. All non-expert discovery shall be completed by May 27, 2005.

3. All discovery motions shall be served on or before June 17, 2005.

4. The parties shall file any and all Rule 56 Motions for either partial or total summary judgment by July 29, 2005.

5. All oppositions to motions for summary judgment shall be served by August 26, 2005.

6. Expert discovery shall be done in accordance with the court's pretrial orders.

7. The parties shall amend their Pleadings on or before July 1, 2005.

TRIAL BY MAGISTRATE JUDGE

The parties decline at this time to consent to a trial by magistrate judge.

CERTIFICATIONS

Counsel for the parties also hereby certify that they have conferred with their clients with a view to establishing a budget for the costs of conducting the full course of the litigation and to consider the resolution of the litigation through the use of alternative dispute resolution programs. Counsel for the defendants and for the plaintiff shall file such certifications under separate cover.

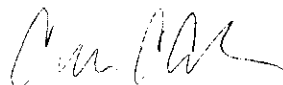
For the Plaintiff,

EBEN ALEXANDER, III M.D.

For the Defendants,

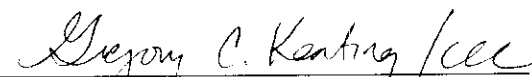
BRIGHAM AND WOMEN'S PHYSICIANS
ORGANIZATION, INC., BOSTON
NEUROSURGICAL FOUNDATION INC.,
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COMPENSATION PLAN, BRIGHAM
SURGICAL GROUP FOUNDATION, INC.
FACULTY RETIREMENT BENEFIT PLAN,
COMMITTEE ON COMPENSATION OF THE
BRIGHAM SURGICAL GROUP
FOUNDATION, INC., PETER BLACK, M.D.,
FIDELITY INVESTMENTS INSTITUTIONAL
OPERATIONS CO., INC., AND FIDELITY
MANAGEMENT TRUST CO., INC.

By his attorneys,



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Dated: November 22, 2004